JW welcomed Rosalind Miller, the new Head of Human Resources, who had recently taken up her role with the Commission.

1 Apologies

Anna Carragher.
2 Declaration of Interests

2.1 All the nominated Commissioners had stood for election, and been nominated as Commissioners by political parties that had contested recent elections and also registered as campaigners in the EU Referendum.

2.2 In relation to item 6 on today’s agenda, the Commission’s role and approach to tackling electoral fraud, JW declared that a longstanding friendship with someone who gave evidence in the London Borough of Tower Hamlets election petition had recently been revived (subsequent to the case).

2.3 JW declared that her partner was a Board member (and therefore also a Council member) of the European Council on Foreign Relations, a pan-European forum for discussion of EU foreign policy. ECFR took no organisational position on the UK’s membership of the EU but members of either the Council, which included politicians from a range of parties from across the EU, or the organisation’s staff, might have made arguments for or against Britain leaving the EU.

2.4 JW declared that Global Dialogue, a charity chaired by her partner, had registered with the Commission as a non-party campaigner.

2.5 JW reported that her sister, who had previously been an Assistant Borough Commander in the Metropolitan Police, was currently deployed in a non-operational role with the Met.

2.6 JW was acquainted with Brendan Barber through the Public Chairs’ Forum of which they were both members, and he had joined the board of the Remain (pro-EU) campaign.

2.7 AC was a member of the Board of the Arts Council of Northern Ireland (which received money from the EU Peace 3 Programme, and the Corners programme for individual artists). A Trustee of the Wildfowl and Wetlands Trust, a recipient of EU funding, she had now returned to that role at the conclusion of the Referendum.

2.8 JMcC, having previously declared his friendship with Nigel Smith once it was known that his advice had been sought by referendum campaigners, later learnt that he had supported the Vote Leave campaign.

2.9 DH in 2008 drafted and put forward in parliament an amendment to the then European Union (Amendment) Bill, proposing an EU referendum in the terms ‘Should the United Kingdom remain in the European Union?’

2.10 DH had stood for election on a manifesto supporting an in-out referendum on the European Union.

2.11 DH was a council member of Justice, an organisation which had in the past received EU funding.

2.12 DH reported that the European Parliament subsidised a regular annual visit by his Public Policy students to Brussels.
2.13 DH declared that he had been awarded a research grant of over €40,000 from the European Parliament.

2.14 JH was a member of the pro-Europe Conservative Europe Group, the parliamentary group Conservative European Mainstream, and of the all-party parliamentary group on Reform, Decentralisation and Devolution Group, chaired by Lord Foulkes.

2.15 TH, as a function of his role as CEO of the Occupational Pensions Regulatory Authority (OPRA) and its successor body the Pensions Regulator (TPR), had been a UK representative on the Committee of European Insurance and Occupational Pensions Supervisors (CEIOPS) from 2003-2010. He chaired its Occupational Pensions committee from 2007 – 2009 and was a member of its managing board from 2009-2010.

2.16 (CEIOPS was a “level 3” committee within the Lamfalussy process of the EU. It provided advice to the European Commission, in respect of insurance and occupational pensions, on the drafting of implementation measures for framework directives and regulations and facilitated supervisory standards, guidelines and convergence in the application of regulations as well as promoting cooperation between supervisors.)

2.17 TH, as a Director of PAN Trustees Ltd, declared that clients of PAN Trustees Ltd for Independent Trustee services included the Defined Benefit Pension and Life Assurance Plan for London-based staff of the European Commission (but TH was not involved in the provision of any such services to that scheme).

It was noted that if any Commissioners had a link or connection with any donors appearing on the reported register of donors, these should be declared.

3a Minutes of 14 September 2016 (EC 80/16)

It was noted that BP in the minutes of 14 September referred to Bob Posner (Bridget Prentice being absent for that meeting).

Agreed: That the minutes of the Commission Board meeting held on 14 September 2016 be approved as an accurate record and the Chair be authorised to sign them.

3b Decision/Action tracker (EC 81/16)

Noted
4 Update from Chief Executive for October (EC 82/16)

4.1 Para 1.5 – **candidate spending returns** – RP explained that where political parties were increasingly funding candidates’ campaigns, while these were usually properly reported as a re-charge from the party, this often meant there was very little detail and information about the nature of the spend of the sort that would normally be seen in candidate returns. It led to a loss of transparency in spending returns. Consideration of the issue would be included in a report on the split between candidate and party spending which was due to come back to the Board early in 2017.

4.2 Para 1.6 – **election returns data** – this would include a link to the data supplied by London Elects, for completeness.

4.3 Para 1.8 – **Returning Officer (RO) performance monitoring** – AI reported that the remaining performance assessments had now been completed, and a review of lessons learnt would now be undertaken.

4.4 Para 1.14 – **electoral fraud** – BP suggested that conviction for fraud which caused a by-election, with concomitant costs for the local authority and political parties, ought to carry with it some sort of sanction for the offending party to bear all or part of the costs, or make a compensatory payment.

4.5 Paras 1.17 – 1.25 – **Guidance for the May 2017 polls** – this was on track for publication shortly, and the government had indicated that it planned to have the necessary orders setting out the rules for combined authority mayoral elections laid in Parliament by 4 November, in accordance with our recommendation that legislation for each poll should be clear at least 6 months before that poll. In response to a query about the Digital Guidance project, and whether it applied to all guidance (ie Party and Election Finance and Electoral Administration), AI confirmed that it would look at all guidance. She added that we now routinely asked for feedback on our guidance from those using it.

4.6 Para 1.17 – **combined authority mayoral elections** - a potentially positive feature of the new combined authority mayoral elections was the need for sub-regional Returning Officers. They could step into the gap in regional level leadership in England caused by the loss of RROs following the UK’s departure from the EU.

4.7 Programme 2 – **Electoral Registration** – AI reported that progress with the Modern Electoral Registration Programme (MERP) was more positive than it had been, and there was initial positive feedback from the 3 pilots which had started this year. A further 22 pilots were planned for 2017, trialling four different models in all. However, the point was also made later in discussion that there were relatively few options being tried, and should the pilots not produce positive results, there was no ready alternative.
4.8 CB added that the Minister would be announcing a fresh vision for electoral modernisation on Monday 24 October.

4.9 Discussing the Cabinet Office approach to MERP, and the question of who had responsibility for what, it was noted that some areas for improving electoral registration – such as data matching and data sharing on a significant scale – were not being dealt with. These were things which only government could do, yet there were no plans to address them. Meanwhile, areas of work where the Commission had built extensive experience and expertise had become the focus of Cabinet Office activity. It had been represented to the Minister and to officials that this was both a duplication of work and resources, and a lost opportunity to make more significant improvements uniquely available to the government.

4.10 Para 3.10 – evidence to the Public Administration and Administrative Affairs Committee – it was noted that we would give evidence on 29 November. Evidence to the Committee from other contributors would be monitored for any points that we might need to address or correct.

4.11 Para 6.1 – Northern Ireland – DH, in his new role as nominated Commissioner for the smaller parties, had attended the Northern Ireland Assembly Political Parties Panel the previous week. It was noted that there was now a long gap before the next set of elections, and meanwhile interviews for the next Chief Electoral Officer Northern Ireland would be held shortly, with AC on the interview panel.

Noted

5 Chair’s and Chief Executive’s meetings (EC 83/16)

Noted

6 The Commission’s role and approach to tackling electoral fraud – presentation and discussion (EC 84/16 + TABLED PRESENTATION EC 84a/16)

6.1 TH1 introduced the slide presentation, which gave a brief but comprehensive summary of our work and approach to electoral fraud and how it had developed since 2001, followed by an assessment of significant challenges now, both for the Commission and for elections more widely. This was to underpin the ensuing discussion of our role and what it could or should
be in the future, the Board’s key priorities for this work, and how all that fitted with the strategic review.

6.2 Discussion initially focussed on two slides in particular: slide 6, showing public opinions and perceptions of fraud derived from research on the seven polls in May and June 2016; and slide 9, a graphic representation of how we currently prioritised our work, between voters, ERO/ROs, police, parties and candidates, and governments and legislatures. Subsequent slides then showed in more detail what we currently did with each of the five categories referred to in slide 9, and suggestions for what more we could do if it was thought that we should increase our efforts in a particular direction.

6.3 A number of general points were made in discussion:

- How to tackle the long-term public perceptions of fraud, and reduce levels of concern – whether we could disaggregate the data we already had, to better understand what people thought of as fraud, or whether we needed to ask a different question?
- We needed better knowledge and understanding of intimidation and coercion, and what could be done about them
- There was a significant communications and public confidence challenge – promoting knowledge and information among voters about how elections worked and the safeguards which existed should be prioritised
- The punishment for fraud was under-publicised and could act as a considerable deterrent if made more widely known
- There was support for intervening more assertively to monitor the delivery of polls and the investigation of allegations where there were high levels of concern in specific areas
- The sliding bar chart (focus of our efforts) at slide 9 could be re-framed in terms of our role in the system in relation to three areas: prevention, detection, and punishment
- The Board supported the objective of designing fraud out of the system in Great Britain, which was the approach behind the Commission’s existing policy position of requiring ID in polling stations. They further supported early discussions with Returning Officers in areas where local government elections would take place in the next couple of years to identify the potential for piloting other system design changes, such as the withdrawal of postal voting on demand (which would mean that postal voting would be available only where voters were unable to attend their polling station because of disability, employment or other specified reasons) and replacing it with the introduction of early in person voting to still give voters greater convenience. Moving away from postal voting on demand could go some way towards addressing concerns about the potential for intimidation and coercion where people were more vulnerable outside the controlled environment of the polling station.
6.4 RP commented that more could be done by the Commission working with political parties to reinforce to campaigners and candidates the consequences of conviction.

Agreed: That the following development of our electoral fraud role and work be explored:-

(a) Review existing research data for any information it may reveal about the nature of perceptions of fraud, and about additional or different questions we could be asking to understand what underpins perception;

(b) Increase our understanding of intimidation and coercion, and what needs to be done to tackle it;

(c) Increase our work with electors to improve knowledge and awareness of the voting system, addressing issues of security and safeguards;

(d) Increase our focus on designing opportunities for fraud and intimidation out of the system (such as a reduction in the availability of postal voting and ID at polling stations), including possible alternatives to postal voting such as early voting;

(e) As well as intervening more assertively to monitor the delivery of polls and the investigation of allegations where there were high levels of concern in specific areas, consider in consultation with Returning Officers other measures that could be taken to improve confidence in elections in areas where there was a higher risk of allegations of fraud and intimidation within the future election cycle;

(f) In our work with EROs and ROs and the police, aim to provide more focussed scrutiny and challenge of the sort proposed in slides 10 and 11;

(g) In our work with parties and campaigners, aim to provide the greater challenge outlined in slide 12, together with increasing awareness of the consequences of conviction for fraud; and

(h) The resulting plan to be incorporated into the strategic review proposals together with the resource implications.

7 Party Registration – review of approach (EC 85/16)

7.1 DH and BP advised the Board of their involvement in legislation on this matter in their previous roles (as MP and Minister, respectively).

7.2 RP briefly introduced the paper, outlining the steps that had been taken to produce the more robust process and approach to registering party names and emblems agreed by the Board in 2013. However, there remained a potential risk of confusion and lack of transparency in the area of party descriptions. The Commission had since 2010 been recommending to government a change in the law to better define the provisions around
descriptions, but without result. Although the UK government had not addressed this, the Scottish Parliament had, and the resultant change for Scottish Parliament elections now meant that the party name must be on the ballot paper for those elections. Any review of approach by us would be for the UK register of parties (including Scotland) and therefore thought would be given to the implications for Scottish Parliament elections and parties standing candidates in those elections. It was also understood that the Scottish Government is about to undertake a public consultation on elections in Scotland, and the timing of any change made by us might be helpful for the Scottish Government and Parliament’s deliberations.

7.3 While the UK government had not responded to our concerns, legislation was the preferred but not the only route. It was open to us to review our approach as we had done for party names, to reduce the risk of confusion for voters.

7.4 RP, PT and KE then took questions on: the effect of the proposed change in relation to Scottish Parliament elections; whether any parties whose descriptions were to be changed would be offered the chance to amend or re-submit (they would, without a fee); whether any changes were achievable by secondary legislation (some were, some were not, and requests for secondary legislation had been denied); and whether we could reduce the permitted number of descriptions from 12 to eg 5 (no, but the Government could do so by secondary legislation). BP also suggested a Private Member’s Bill.

7.5 There was support for the change in approach, subject to the change being handled appropriately in relation to the ballot paper design for Scottish Parliament elections.

Agreed: That, subject to the issue being reported back and the Board further considering and being satisfied with proposed arrangements for handling the changes as they affected Scotland, the following be agreed in principle, noting that the implementation date had yet to be confirmed:

(a) With effect from (provisionally November, but to be confirmed), in any new applications a party’s identity must be clear in a party description in order for it to be registered by the Commission; and

(b) After the elections in May 2017 any already registered descriptions that did not identify the party would be removed.

8 Appointments to Remuneration and Human Resources Committee (EC 86/16)

8.1 JW thanked TH for his work in this role over several years.
8.2 It was noted that BP would sit in on the next meeting of the Committee on 1 December in anticipation of her joining it in January.

**Agreed:** That:-

(a) Anna Carragher be appointed as Chair of the Remuneration and Human Resources Committee from 1 January 2017 until the end of her 6-year term on the Committee, namely 31 December 2017; and

(b) Bridget Prentice be appointed to the Remuneration and Human Resources Committee from 1 January 2017 until the end of her term as Commissioner, namely 30 September 2018.

Sir John Holmes and Dame Susan Bruce attended to observe the session

9 Strategic Review - Priorities (EC 87/16) and Consultation Report (EC 88/16)

9.1 During the informal workshop, Commissioners contributed views on the proposed priorities. The results of the session would be incorporated into the next stage of the programme’s development, and progress reported to the Board at its next meeting.

**Noted**

The meeting ended at 14.35 pm.

____________________________________Chair